

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

Janet Collins	}	Case No. 3:15-bk-00433
927 Sugar Creek Circle	}	
Nashville, TN 37214	}	Chapter 13
SSN: xxx-xx-0328	}	
Debtor.	}	

NOTICE OF AMENDMENT

COMES NOW the Debtor, by and through counsel, and would give notice of filing
of an Amended Chapter 13 Plan.

The amended plan is attached hereto.

APPROVED FOR ENTRY:

/s/ James A. Flexer
JAMES A. FLEXER, BPR #9447
Attorney for Debtor
176 2nd Avenue North, Suite 501
Nashville, TN 37201
(615) 255-2893
fax: (615) 242 8849
cm-ecf@jamesflexerconsumerlaw.com

Debtor **JANET EVONNE COLLINS**

United States Bankruptcy Court for the

MIDDLE DISTRICT OF TENNESSEE

[Bankruptcy district]

☒ Check if this is an amended plan

Case number: **3:15-bk-00433**

Official Form 113

Chapter 13 Plan

Part 1: Notices

To Debtors: This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors and statement regarding your income status, you must check each box that applies.

To Creditors: Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance to you. **Boxes must be checked by debtor(s) if applicable.**

- ☒ The plan seeks to limit the amount of a secured claim, as set out in Part 3, Section 3.2, which may result in a partial payment or no payment at all to the secured creditor.
- ☒ The plan requests the avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest as set out in Part 3, Section 3.4.
- ☒ The plan sets out nonstandard provisions in Part 9.

Income status of debtor(s), as stated on Official Form 122-C1

Check one.

- ☒ The current monthly income of the debtor(s) is less than the applicable median income specified in 11 U.S.C. § 1325(b)(4)(A).
- ☐ The current monthly income of the debtor(s) is **not** less than the applicable median income specified in 11 U.S.C. § 1325(b)(4)(A).

Part 2: Plan Payments and Length of Plan

2.1 Debtor(s) will make regular payments to the trustee as follows:

\$205.00 per **BI-WEEKLY** for **60** months

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in Parts 3 through 6 of this plan.

2.2 Regular payments to the trustee will be made from future earnings in the following manner:

Check all that apply.

- ☒ Debtor(s) will make payments pursuant to a payroll deduction order.

2.3 Income tax refunds.

Check one.

- ☐ Debtor(s) will retain any income tax refunds received during the plan term.
- ☒ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.

Debtor JANET EVONNE COLLINS Case number _____

☐ Debtor(s) will treat income refunds as follows:

2.4 Additional payments.

Check one.

☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$25,899.00.

Part 3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any.

Check one.

☒ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.

3.2 Request for valuation of security and claim modification. *Check one.*

☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.
The remainder of this paragraph will be effective only if the applicable box in Part 1 of this plan is checked.

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

☐ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

☒ The claims listed below were either:

(1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or

(2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed either by the trustee or directly by the debtor, as specified below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim or modification of a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. The final column includes only payments disbursed by the trustee rather than by the debtor.

Name of creditor	Estimated amount of creditor's total claim	Collateral	Value of collateral	Amount of claims senior to creditor's claim	Amount of secured claim	Interest rate	Monthly payment to creditor	Estimated total of monthly payments
		2008 DODGE AVENGER APPROX. MILEAGE: 90,000 OVER 910						
INLAND	\$9,844.00		\$9,000.00	\$0.00	\$9,844.00	22.00%	\$272.00	\$16,307.15

Insert additional claims as needed.

3.4 Lien avoidance

Check one.

☐ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

The remainder of this paragraph will be effective only if the applicable box on Part 1 of this plan is checked.

☒ The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the debtor(s) would have been entitled under 11 U.S.C. § 522(b). A judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the order confirming the plan. The amount of the judicial lien or security interest that is

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avoided will be treated as an unsecured claim in Part 5. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the plan. See 11 U.S.C. § 522(f) and Bankruptcy Rule 4003(d). If more than one lien is to be avoided, provide the information separately for each lien.

Information regarding judicial lien or security interest	Calculation of lien avoidance	Treatment of remaining secured claim
Name of Creditor CREDIT CENTRAL	a. Amount of lien \$464.00	Amount of secured claim after avoidance (line a minus line f)
Collateral HHG	b. Amount of all other liens \$0.00	
	c. Value of claimed exemptions \$464.00	
	d. Total of adding lines a, b, and c \$928	Interest rate (if applicable) %
Lien identification (such as judgment date, date of lien recording, book and page number)	e. Value of debtor's interest in property -\$464.00	
	f. Subtract line e from line d. \$464.00	Monthly plan payment
Extent of exemption impairment (Check applicable box)		Estimated total payments on secured claim
<input checked="" type="checkbox"/> Line f is equal to or greater than line a.		
The entire lien is avoided (Do not complete the next column)		
<input type="checkbox"/> Line f is less than line a.		
A portion of the lien is avoided. (Complete the next column)		

Insert additional claims as needed.

3.5 Surrender of collateral.

Check one

☐

None. If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

☒

The debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The debtor(s) consent to termination of the stay under 11 U.S.C. § 362(a) and § 1301 with respect to the collateral, upon confirmation of the plan. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of Creditor	Collateral
RIVERGATE SPORTS CAR	2000 CHEVROLET BLAZER APPROX. MILEAGE: 150,000 OVER 910

Insert additional claims as needed.

Part 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims other than those treated in § 4.6 will be paid in full without interest.

4.2 Trustee's fees

Trustee's fees are estimated to be **5.00%** of plan payments; and during the plan term, they are estimated to total **\$1,294.80**.

4.3 Attorney's fees

The balance of the fees owed to the attorney for the debtor(s) is estimated to be **\$3,520.00**.

4.4 Priority claims other than attorney's fees and those treated in § 4.5.

Check one.

☒

None. If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

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The debtor estimates that the total amount of other priority claims to be \$1,500.00**4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.***Check one.*☒**None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.☐

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4), but not less than the amount that would have been paid on such claim if the estate of the debtor were liquidated under chapter 7, see 11 U.S.C. § 1325(a)(4).

Name of Creditor**-NONE-****Amount of claim to be paid***Insert additional claims as needed.***Part 5: Treatment of Nonpriority Unsecured Claims****5.1 Nonpriority unsecured claims not separately classified.**Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. *Check all that apply.*☐

The sum of \$ _____

☒1 % of the total amount of these claims.☐

The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ 0.00. Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.**5.2 Interest on allowed nonpriority unsecured claims not separately classified. Check one.**☒**None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.**5.3 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.**☒**None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

Name of Creditor	Current installment payment	Amount of arrearage to be paid	Estimated total payments by trustee
-NONE-			
	Disbursed by: Trustee Debtor(s)		

*Insert additional claims as needed.***5.4 Other separately classified nonpriority unsecured claims. Check one.**☐**None.** If "None" is checked, the rest of § 5.4 need not be completed or reproduced.☒

The nonpriority unsecured allowed claims listed below are separately classified and will be treated as follows:

Name of Creditor	Basis for separate classification and treatment	Amount to be paid on the claim	Interest rate (if applicable)	Estimated total amount of payments
HENDERSON COUNTY GENERAL SESSIONS	TRAFFIC TICKET 05-GT-11576	\$180.00	0	\$180.00

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Insert additional claims as needed.

Part 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.



None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

Part 7: Order of Distribution of Trustee Payments

7.1 The trustee will make the monthly payments required in Parts 3 through 6 in the following order, with payments other than those listed to be made in the order determined by the trustee:

FILING FEE- 1

NOTICE FEE- 2

ATTORNEY FEE- 3

SECURED CREDITOR VEHICLE- 4

PRIORITY TAX DEBT- 5

SPECIALY CLASSIFIED UNSECURED - 6

GENERAL UNSECURED- 7

Part 8: Vesting of Property of the Estate

8.1 Property of the estate will vest in the debtor(s) upon

Check the applicable box:



plan confirmation.



entry of discharge.



other: _____

Part 9: Nonstandard Plan Provisions



None. If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

Nonstandard provisions are required to be set forth below.

These plan provisions will be effective only if the applicable box in Part 1 of this plan is checked.

Amendment to Part 2:

Debtor will make regular payments to the trustee as follows: \$205 per BI-WEEKLY for 60 months, in the following manner:

Debtor will make payments pursuant to a payroll deduction order issued to the Debtor's employer:

CIGNA

NEWQUEST, LLC

1601 CHESTNUT STREET

PHILADELPHIA, PA

Amendment to Part 3.1:

If the holder of a claim listed above files a Notice of Mortgage Payment Change under Rule 3002.1, FED. R. BANKR. P., the Trustee may adjust the postpetition regular payment listed above and payments into the plan in paragraph 2 in accordance with the creditor's notice upon filing a notice of payment adjustment and delivering a copy to the debtor, the debtor's attorney, the creditor, and the U.S. Trustee.

The Trustee is authorized to pay any postpetition fees, expenses, and charges, notice of which is properly filed pursuant to Rule 3002.1, FED. R. BANKR. P., and as to which no objection is raised, at the same disbursement level as the arrearage claim listed above.

Addition to Part 3.1:

Provisions Relating to Claims Secured by Real Property Treated Pursuant to § 1322(b)(5)

Confirmation of this Plan imposes upon any claimholder treated under Part 3.1 and, holding as collateral, the residence of the Debtor(s), the obligation to: (i) Apply the payments received from the trustee on pre-confirmation arrearages only to such arrearages. For purposes of this plan, the "pre-confirmation" arrearages shall include all sums designated as pre-petition arrearages in the allowed Proof of Claim plus any post-petition pre-confirmation payments due under the underlying mortgage debt not specified in the allowed Proof of Claim. (ii) Deem the mortgage obligation as current at confirmation such that future payments, if made pursuant to the plan, shall not be subject to late fees, penalties, or other charges.

Amendment to Part 3.3:

Secured Claims Not Subject to § 506, Modified by Acceptance. The claims listed below shall be paid only to the extent of the offer by the Debtor(s) unless the listed creditor timely objects to confirmation. **ACCEPTANCE OF THE PLAN WILL BE PRESUMED UNLESS THE AFFECTED CREDITOR TIMELY OBJECTS TO CONFIRMATION IN WRITING OR ORALLY AT THE MEETING OF CREDITORS.**

Creditor Name	Collateral Description	Debtor Offers to Pay	Interest Rate	Monthly Payment	Estimated total payments by trustee
INLAND BANK	2008 DODGE AVENGER	9844	22	272	16320

Amendment to Part 4:**Attorney's fees**

The balance of the fees owed to the attorney for the debtor(s) is estimated to be **\$3,520.00**, to be paid as follows: 117 PER MONTH.

The attorney was paid **\$0.00** prior to the filing of this case.

Priority claims other than attorney's fees and those treated in § 4.5.

The debtor(s) has Domestic Support Obligations which are current and will be paid directly by the debtor(s).

The debtor(s) have other priority claims which will be paid as follows:

Name of Creditor	Type of Priority	Estimated Amount of Creditor's total Claim	Plan treatment	Estimated total of payments
IRS	TAXES	1500	CLASS 5-PIF	1500

Amendment to Part 7.1:

Postpetition claims allowed pursuant to 11 U.S.C. § 1305 shall be paid in full but subordinated to the payment of unsecured claims as provided in paragraph 3 above.

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Part 10: Signatures:

X /s/ James A. Flexer

Date January 23, 2015

James A. Flexer 9447

Signature of Attorney for Debtor(s)

X /s/ JANET EVONNE COLLINS

Date January 23, 2015

JANET EVONNE COLLINS

X _____

Date _____

Signature(s) of Debtor(s) (required if not represented by an attorney; otherwise optional)

Exhibit: Total Amount of Estimated Trustee Payments

The trustee will make the following estimated payments on allowed claims in the order set forth in Section 7.1:

a. Maintenance and cure payments on secured claims (Part 3, Section 3.1 total):	<u>\$0.00</u>
b. Modified secured claims (Part 3, Section 3.2 total):	<u>\$17,507.15</u>
c. Secured claims excluded from 11 U.S.C. § 506 (Part 3, Section 3.3 total):	<u>\$0.00</u>
d. Judicial liens or security interests partially avoided (Part 3, Section 3.4 total):	<u>\$0.00</u>
e. Fees and priority claims (Part 4 total):	<u>\$6,314.80</u>
f. Nonpriority unsecured claims (Part 5, Section 5.1 total):	<u>\$1,767.05</u>
g. Interest on allowed unsecured claims (Part 5, Section 5.2 total)	<u>\$0.00</u>
h. Maintenance and cure payments on unsecured claims (Part 5, Section 5.3 total)	<u>\$0.00</u>
i. Separately classified unsecured claims (Part 5, Section 5.4 total)	<u>\$0.00</u>
j. Trustee payments on executory contracts and unexpired leases (Part 6, Section 6.1 total) +	<u>\$0.00</u>
	<u> </u>
Total of lines a through j.....	<div style="border: 1px solid black; padding: 2px; display: inline-block;">\$25,589.00</div>

CERTIFICATE OF SERVICE

I hereby certify that on Friday, January 23, 2015 I furnished a true and correct copy of the foregoing to the following parties in interest:

Electronic

Henry Hildebrand, Chapter 13 Trustee
PO Box 340019
Nashville, TN 37203-0019

Electronic

Samuel Crocker, U.S. Trustee
318 Customs House, 701 Broadway
Nashville, TN 37203

U.S. mail first class

Janet Collins
927 SUGAR CREEK CIRCLE
Nashville, TN 37214

U.S. mail, first class, certified

INLAND
Attn: Managing Officer
Dept 3403
PO Box 123403
Dallas TX 75312-3403

And to the attached creditors. I have mailed out 50 notices.

/s/ James A. Flexer
James A. Flexer

Janet Collins
3:15-bk-00433
Creditors

AARON'S RENT TO OWN

5441 NOLENSVILLE PIKE
Nashville TN 37221

ADVANCE FINANCIAL

1901 CHURCH STREET
Nashville TN 37203

AEL

PO BOX 1000
DEPT 284
Memphis TN 38148

AFNI

PO BOX 3427
Bloomington IL 61702

Afni, Inc.

Attn: DP Recovery Support
PO Box 3427
Bloomington IL 61702

ASSET ACCEPTANCE CORP

PO BOX 2036
Warren MI 48090

AUBORN L HAGER III ATTY

C/O PAS
PO BOX 24850
Nashville TN 37202

BAPTIST HOSPITAL

PO BOX 501058
Saint Louis MO 63150

BELL FAMILY

527 NORTH MAPLE ST
Murfreesboro TN 37130

BELLSOUTH TELECOMMUNICATIONS

C/O JAMES GRUDUS, ESQ.
ONE AT&T WAY, ROOM 3A 218
Bedminster NJ 07921

BENEFIT STRATEGIES

PO BOX 3937
Manchester NH 03105

CAPITAL RECOVERY SYSTEMS

750 CROSS POINTE ROAD
Columbus OH 43230

CAREMARK

PO BOX 840688
Dallas TX 75284

CHECKCARE

PO BOX 10749
Murfreesboro TN 37129

Credit Bureau Of N Ame

201 Skyline Dr
Dickson TN 37055

CREDIT CENTRAL

ATTN MANAGING OFFICER

1019 Gallatin Pike South
Madison TN 37115

CREDIT COLLECTION

TWO WELLS AVE
DEPT 9134
Newton Center MA 02459

Enhanced Recovery Corp

8014 Bayberry Rd
Jacksonville FL 32256

FIFTH THIRD BANK

BANKRUPTCY DEPARTMENT
1850 EAST PARIS AVE SE
Grand Rapids MI 49546-6210

Fox Collection Center

456 Moss Trl
Goodlettsville TN 37072

FREEMAN WEBB COMPANY

3810 BEDFORD AVE
Nashville TN 37215

HALL & SITLER

223 Madison St
SUITE 212
Madison TN 37115

HARPETH FINANCIAL

1901 CHURCH STREET
Nashville TN 37203

HENDERSON COUNTY GENERAL SESSIONS

170 JUSTICE CENTER DRIVE, SUITE B
Lexington TN 38351

IRS

MDP 146
801 BROADWAY
Nashville TN 37203

IRS

CENTRALIZED INSOLVENCY OFFICE
PO BOX 7346
Philadelphia PA 19101-7346

LEXINGTON MEDICAL CENTER

PO BOX 100273
Columbia SC 29202

Lvnv Funding Llc

Po Box 740281
Houston TX 77274

NAFS

165 LAWRENCE BELL DR, SUITE 100
PO BOX 9027
Buffalo NY 14231

NASHVILLE ADJUSTMENT BUREAU

PO BOX 198988
Nashville TN 37219

NCO

PO Box 790113
St. Louis MO 63149

Nco Financial Systems

507 Prudential Rd
Horsham PA 19044

Nco/inovision-medclr

Attn: Bankruptcy
507 Prudential Rd
Horsham PA 19044

NEIGHBORHOOD TITLE LOANS

188 S LOWRY ST
Smyrna TN 37167

Payment Amer

Pob 24850
Nashville TN 37202

PAYMENT AMERICA

PO BOX 24850
Nashville TN 37202

QUEST DIAGNOSTICS

PO BOX 41652
Philadelphia PA 19101

RADIOLOGY ALLIANCE

DEPT 14510
PO BOX 1259
Oaks PA 19456

REVENUE RECOVERY

6207 SUMMER AVE
PO BOX 341308
Memphis TN 38184

RISHI SAXENA, MD

1127 DOW ST
Murfreesboro TN 37130

RIVERGATE SPORTS CAR

1431 Gallatin Pike North
Madison TN 37115

Robinson Reagan & Young

260 Cumberland Bnd
Nashville TN 37228

SOUTHERN HILLS HOSPITALS

391 WALLACE RD.
Nashville TN 37211

Stellar Recovery Inc

4500 Salisbury Rd Ste 10
Jacksonville FL 32216

T MOBILE

PO BOX 742596
Cincinnati OH 45274

Us Dept Of Education

Po Box 5609
Greenville TX 75403

Us Dept Of Education

Attn: Borrowers Service Dept
PO Box 5609
Greenville TX 75403

WHISPERING OAKS APTS

100 Tanglewood Court
Nashville TN 37211
